



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants Robert L. Gendron and : Paper No:
 Helene Paradis

Serial No. 09/836,410 : Group Art Unit: 1645

Filed: April 17, 2001 : Examiner: Lacourciere

For: INHIBITION OF BONE TUMOR FORMATION USING ANTISENSE CDNA THERAPY

AMENDMENT and RESPONSE AFTER FINAL
accompanying
PETITION to REVIVE for UNINTENTIONAL ABANDONMENT

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Below is a copy of the Amendment and Response after Final, which was filed on September 16, 2003, but was apparently never received by the Patent Office. This Amendment and Response accompanies a Petition to Revive for Unintentional Abandonment.

As an initial matter, Applicants wish to thank Examiner William Dickson for discussions on December 10, 2003, concerning the mechanics of filing this petition and amendment and working with Examiner Lacouciere on this case. Applicants also wish to express their gratitude to Examiner Lacourciere for the telephone conference of September 10, 2003. During that telephone conference, the Examiner and Applicant's counsel reached agreement on amendments to objected to claims. In addition, the Examiner stated that she will be filing an *Ex Parte Quayle Action* in order to correct a defect in the oath.

Note that this is a response to a FINAL Office action dated April 11, 2003 and as such, a Petition for Extension of Time of three months, as provided for under 37 C.F.R. § 1.136(a), was also filed on September 16, 2003. This document was apparently received by the patent office. Applicants respectfully request this response be considered by the Examiner and a timely Notice of Allowance issued in this application.

IN THE CLAIMS

1) (original) An isolated nucleic acid molecule consisting of the sequence shown in SEQ ID NO. 2.

Claims 2, 3 (cancelled)

4) (previously presented) The isolated nucleic acid molecule of claim 1, wherein the amino acid sequence is expressed in Ewing's Sarcoma family of tumors.

5) (previously presented) The isolated nucleic acid molecule of claim 1, wherein the amino acid sequence is expressed in osteosarcoma tumors.

Claims 6-49 (cancelled)

50) (previously presented) The isolated nucleic acid molecule of Claim 1, wherein said molecule is a single-stranded cDNA molecule.

51) (previously presented) The isolated nucleic acid molecule of claim 50, wherein said molecule is biologically active.

52) (currently amended) ~~The isolated nucleic acid molecule of claim 51~~ An isolated nucleic acid molecule consisting of the sequence shown in SEQ ID NO. 2, wherein said molecule is a biologically active, single-stranded cDNA molecule, wherein said molecule or fragment thereof is used to generate a first antisense nucleic acid molecule ~~of the~~ to the sequence

Serial No. 09/836,410

shown in SEQ ID No. 2, wherein said first antisense nucleic acid molecule consists of the sequence shown in SEQ ID No. 3.

Claims 53-62 (cancelled)

63) (currently amended) ~~The isolated nucleic acid molecule of claim 51,~~ An isolated nucleic acid molecule consisting of the sequence shown in SEQ ID NO. 2, wherein said molecule is a biologically active, single-stranded cDNA molecule, wherein said molecule or fragment thereof is used to generate a second antisense nucleic acid molecule of the sequence shown in SEQ ID No. 2, wherein a the second antisense nucleic acid molecule consists of the sequence shown in SEQ ID No. 4.

Claims 64-73 (cancelled)

74) (previously presented) A composition comprising the isolated first antisense nucleic acid molecule shown in SEQ ID No. 3 in an amount effective to limit growth or metastasis of tumor cells expressing the tbdn-1 protein molecule when administered to said tumor cells.

75) (previously presented) The composition of claim 74, additionally comprising a vector selected from the group consisting of viral, plasmid, and mixtures thereof.

76) (previously presented) The composition of claim 74, wherein said tumor cells comprise Ewing's Sarcoma family of tumors or osteosarcoma tumors.

Serial No. 09/836,410

77) (previously presented) A composition comprising the isolated second antisense nucleic acid molecule shown in SEQ ID No. 4 in an amount effective to limit the growth or metastasis of tumor cells expressing the tbdn-1 protein molecule when administered to said tumor cells.

78) (previously presented) The composition of claim 77, additionally comprising a vector selected from the group consisting of viral, plasmid, and mixtures thereof.

79) (previously presented) The composition of claim 77, wherein said tumor cells comprise Ewing's Sarcoma family of tumors or osteosarcoma tumors.

Claims 80-87 (cancelled)

REMARKS

Of claims 1-49 which were contained in the original application, claims 1, 4 and 5 remain and claims 2, 3, and 6-49 were cancelled in the prior response of January 24, 2003. Claims 1, 4 and 5 have been indicated as allowable by the Examiner.

In an amendment submitted January 24, 2003, claims 50-87 were added to this application. In the subsequent FINAL office action, the Examiner had indicated that of new claims 50-87, claims 50, 51, and 74-79 would be allowable, while claims 52 and 63 were objected to and claims 53-62, 64-73 and 80-87 were rejected.

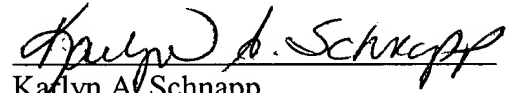
Of the *new* claims provided in the previous response of January 24, 2003 (claims 50-87), please cancel claims 53-62, 64-73 and 80-87. Applicants have amended claims 52 and 63. It is respectfully requested that the amendment to the claims 52 and 63 be entered under 37 C.F.R. 1.116, since it complies with specific language requested by the Examiner and, therefore, puts these claims in form for allowance.

Serial No. 09/836,410

Accordingly, the present application as amended herein, is now in form for allowance and early reconsideration and allowance of the claims, as currently pending, is earnestly solicited.

Respectfully submitted,

ROBERT L. GENDRON AND
HELENE PARADIS.

A handwritten signature in dark ink, appearing to read "Karlyn A. Schnapp", is written over a horizontal line.

Karlyn A. Schnapp
Registration No. 45,558
Attorney for Applicants
Telephone (513) 651-6865
FROST BROWN TODD, LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202-4182

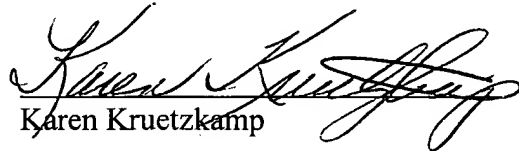
Dated:



Serial No. 09/836,410

CERTIFICATE OF MAILING

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP PETITION, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 11th day of December, 2003.


Karen Kruetzkamp

CinLibrary/1352710.1